

In the
Indiana Supreme Court



IN THE MATTER OF)

APPROVAL OF LOCAL RULES)

FOR DUBOIS COUNTY)

Cause No.

19500-1012-MS-668

ORDER RE-APPROVING CASELOAD ALLOCATION PLAN
AND APPROVING AMENDED LOCAL RULES

Pursuant to Ind. Administrative Rule 1, the Judges of the Dubois County Circuit and Superior Courts, request this Court to re-approve their caseload allocation plan based upon their revalidation of the plan. The judges also request approval of amended local rules for the appointment of special judges in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.

And this Court being duly advised, now finds that the caseload allocation plan for Dubois County should be re-approved. Further, upon examination of the proposed rule amendments, this Court finds that the proposed rule amendments, LR19-TR79(H)-1 and LR19-CR 2.2-1.5, comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 13, respectively, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court, based upon revalidation by the Dubois County Judges, that the Dubois County caseload allocation plan is re-approved.

IT IS, FURTHER ORDERED by this Court that Dubois County Local Rules, LR19-TR79(H)-1 and LR19-CR 2.2-1.5, set forth as attachments to this Order, are approved effective January 1, 2011, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Mark R. McConnell, Dubois Superior Court, One Courthouse Square, Jasper, IN 47546-30858; the Hon. William E. Weikert, Dubois Circuit Court, One Courthouse Square, Jasper, IN 47546-3088; to the Clerk of the Dubois Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Dubois Circuit Court is directed to enter this Order in the Record of Judgments and Orders for the Courts, to post this Order for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 10th day of December, 2010.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES

Pursuant to Indiana Trial Rule 79(H), the Dubois Circuit Court and the Dubois Superior Court hereby adopt the following local rule for the appointment of a special judge upon approval by the Indiana Supreme Court.

1. In the event a Special Judge must be appointed under Trial Rule 79(H), the presiding judge shall reassign the case to the other judge in Dubois County, and if that judge is ineligible to serve, then the presiding judge shall reassign the case by selecting the next judge in sequence from the list of judges who have agreed to serve as a Special Judge in the Dubois Circuit Court and Dubois Superior Court from the following courts:

Perry Circuit Court
Spencer Circuit Court
Martin Circuit Court
Daviess Circuit Court
Daviess Superior Court
Warrick Circuit Court
Warrick Superior Court #1
Warrick Superior Court #2

2. Each Judge from the above list of judges shall be appointed on an equal number of cases.

3. If no Judge specified under this rule is eligible to serve as Special Judge, or the particular circumstances of a case warrants selection of a Special Judge by the Indiana Supreme Court, the case shall be certified to the Indiana Supreme Court for appointment of a Special Judge. [Trial Rule 79(H) (3)]

LR19-CR 2.2 - 1.5

APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES

If the judge before whom a case is pending in the Dubois Circuit or Dubois Superior Court becomes disqualified from jurisdiction of a case pursuant to the Indiana Rules of Criminal Procedure, Rules of Procedure for Post Conviction Remedies, Recusal or the Code of Judicial Conduct, then the presiding judge shall reassign the case to the other judge in Dubois County, and if that Judge is ineligible to serve, then the presiding judge shall reassign the case by selecting the next judge in sequence from the list of judges of the following courts who have consented to serve:

Perry Circuit Court
Spencer Circuit Court
Martin Circuit Court
Daviess Circuit Court
Daviess Superior Court
Warrick Circuit Court
Warrick Superior Court #1
Warrick Superior Court #2

In the event a judge is not available for assignment from the list or the particular circumstances of the case warrant selection of a Special Judge by the Indiana Supreme Court, the case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge pursuant to Criminal Rule 13(D).